

DOCKET NO.: THOM-0016
Application No.: 09/889,537
Office Action Dated: November 12, 2003

PATENT
REPLY FILED UNDER EXPEDITED
PROCEDURE PURSUANT TO
37 CFR § 1.116

REMARKS/ARGUMENTS

Claims 1-4 and 6-15 are pending in this application.

Pending claims all stand rejected under 35 U.S.C. § 103(a) in view of the Agar reference in combination with other references.

Reconsideration is respectfully requested in view of the evidence presented in the declaration by Professor James Lucas attached hereto. The examiner agreed to consider this evidence in a telephone conference with the Applicants' undersigned representative, provided that no new arguments were raised. In particular, the declaration, as discussed, establishes that the Agar device requires orders of magnitude more power relative to the device of the instant claims, which requires only about 1 milliWatt of emitted microwave power to function.

Given these profound differences in performance and function, and further in view of the arguments previously presented with respect to the Agar reference, the skilled artisan could not have arrived at the instant invention with all of its limitations on the basis of the teachings of Agar, even in combination with any of the other cited references.

The evidence in Professor Lucas' declaration directly addresses the Agar reference, and the entire *prima facie* case is predicated on Agar. Applicants respectfully request that the rejections be withdrawn in view of the evidence in the declaration.

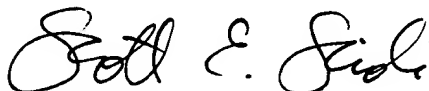
Applicants respectfully submit that the claims are in condition for allowance. An early and favorable notice to that end is earnestly solicited. The Examiner is invited to

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contact Applicants' undersigned representative at (215) 557-5986 to resolve any outstanding issues prior to allowance.

Respectfully submitted,



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